IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 12636 OF 2006**

**DATED: 23-06-2006**

**Between:**

Dasari Vijayamma petitioner

And

The Regional Manager,
Central Ware Housing Corporation
Regional Office, Ware Housing Sadan
Behind Gandhi Bhawan, Nampalli, Hyd and others Respondents

**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**WRIT PETITION NO.12636 of 2006**

ORAL ORDER:

In the present writ petition, the petitioner seeks a direction to respondents 1 to 3 to withhold the retirement benefits and not to execute E.P. No. 5 of 2006 in O.P. No. 37 of 1989 on the file of Principal Junior Civil Judge, Kovvur, Nellore.

The petitioner herein is second wife of one D.Sekhar and the second petitioner is their daughter studying in 3rd class. The first petitioner married said D.Sekhar, after he obtained divorce from his first wife by way of compromise before the Lok Adalath in O.P. No. 37 of 1989 on the file of Subordinate Judge, Kovvur, Nellore District. In the said compromise in O.P. No. 37 of 1989 husband of first petitioner herein agreed to a condition that his retirement benefits would go to his first wife-4th respondent herein and her children and that he would continue to pay the regular maintenance. While so, the husband of the petitioner voluntarily retired from service on 7.3.2006. Pursuant to his retirement, the 4th respondent herein filed an execution petition in E.P. No. 5 of 2006 on the file of Principal Junior Civil Judge, Kovur, and is stated to have obtained an order to the Disbursing Officer not to pay all the retirement benefits to petitioner's husband. Hence, the present writ petition to direct the respondents 1 to 3 not to execute E.P. No. 5 of 2006 in O.P. No. 37 of 89 on the file of Principal Junior Civil Judge,

Kovvur.

Even as per the admitted case of the petitioner, disputes are pending before civil Courts between petitioner and 4th respondent, being wives of one D.Sekhar who has voluntarily retired from service and expecting retirement benefits. It is also admitted fact that said D.Sekhar has obtained a divorce subject to condition that his retirement benefits would be paid to her first wife-4th respondent herein. Since, civil disputes are pending between the parties, this Court cannot interfere with the matter. If the petitioners have any grievance, they have to approach the concerned civil court, and seek redressal of their grievance by filing appropriate application/petition. The relief sought for by the petitioners cannot be granted, inasmuch as it would amount to directing the respondents to disobey the orders of competent Civil Court. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATED : 23.6.2006

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